

**Town of Superior
Regular Council Meeting
Thursday, March 15, 2012, 7:00 P.M.
Superior Senior Center
360 W. Main Street, Superior, AZ 85173
MINUTES**

A. CALL TO ORDER

Mayor Jayme Valenzuela called the meeting to order at 7:07 p.m.

B. SALUTE TO THE FLAG

Mayor Valenzuela led the Salute to the Flag.

C. OPENING PRAYER

Council Member Chris Tomerlin led the opening prayer.

D. ROLL CALL

Present: Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Mayor Jayme Valenzuela and Vice Mayor Olga Lopez; **Absent:** N/A

E. CONSENT AGENDA

1. Approval of Minutes for Regular Meeting of March 1, 2012
2. Blanket Permit, Superior Food Bank, Inc.

Interim Town Clerk Rita Wentzel presented the items. Mayor Valenzuela asked if there were any questions in reference to the minutes or blanket permit. There were none.

MOTION: Vice Mayor Lopez moved to approve the minutes for the regular meeting of March 1 and the blanket permit. Council Member Aguilar seconded. **VOTE:** The motion passed unanimously.

F. REPORTS

Public Works: Mr. Lant made his report following Item G, Communications. He updated council on finishing his Road Scholar Level II training. He reported on street maintenance hours total of 717, streets completed this month, building maintenance, cemetery, trail, vehicle maintenance inmate transport, folding town sewer bills, and the wastewater treatment plant where he requested Southwest Risk come out and do a safety inspection. They identified safety issues that we are correcting. At the transfer station the piles are getting smaller. He has been doing biweekly inspections and has seen progress being made. As far as brush, there is a plan in place including burning and chipping on a weekly basis in cooperation with Orion Recycling. Also the ADEQ did come in the previous week. They did an inspection. He is awaiting the official report.

Cleanup was initiated at Caboose (U.S. 60) Park. An inspection of the municipal airport determined there were some safety issues with weeds. The mayor asked why the person leasing was not maintaining his own strip out there. Mr. Lant said as far as he had been told Superior Airport was the town's responsibility to maintain. The mayor asked Ms. Wentzel to look into that. Council Member Gutierrez said he thought the lessor just leased the one section they are on. They did not lease the whole property. The mayor said he is just asking Ms. Wentzel to look into the contract as he has never seen it. Mr. Lant thanked the mayor and police department for obtaining the dump truck for public works' use. Council Member Aguilar asked where they were at in getting the tags on that. Mayor Valenzuela said he had spoken with the chief and they have the title for the truck from the DRMO government liquidation program and they will be putting the plates on it on Monday. For those who don't know they are working with a program from the National Guard where they discard some of their property that they have had. Some of it is practically brand new. Law enforcement agencies are eligible to bid on it. If they are successful they are awarded the equipment. After one year they can either sell it for a profit or return to the National Guard if they have no use for it anymore so it doesn't cost them a dime.

Police: Superior Police Lieutenant Mike Campbell presented the February 2012 police department report and said he was there to answer any questions. Mayor Valenzuela said he was curious as to the stats of 2010, 2011 & 2012 in homicide. Didn't they have a couple of homicides in town? Lt. Campbell said one. The mayor asked if it was in 2009, that far back? Lt. Campbell said he thought they were scheduled for trial in August.

The mayor also asked, on a different subject, if they had any findings on a complaint they had. He knew they directed the chief to come with the findings of the complaint lodged by the public. Lt. Campbell said the victim of that complaint came down and met with the chief who made an appointment with the sergeant investigating it. They did not come to the appointment so the sergeant had just completed it and handed to him and he just started to review it. Next week they will send a registered letter to her.

Finance: Ms. Wentzel said due to training and payroll they were not able to produce a report. They would have it at the first meeting in April.

G. COMMUNICATION

1. Manager's Report—Interim Town Clerk Rita M. Wentzel

Letter to Representative Barbara McGuire regarding the Town's Political Sign Ordinance:

Ms. Wentzel said once this letter went out they did have the police department go out and take down the signs from Pete Rios and Barbara McGuire. There should be a number on each sign so they could call them and let them know but there were no numbers posted on the signs so they were to be picked up by the police. She did hear from Ms. McGuire and refaxed the letter to her. She will pick up the signs as prescribed by the zoning code of 60 days before the election. She was very cooperative and very understanding. They had not heard from Mr. Rios. Council Member Aguilar asked Ms. Wentzel to let the public know what this indicates. Ms. Wentzel explained that the Town of Superior zoning ordinance specifically provides for political signs, restricting signs to within 60 days prior to an election with removal within 10 days following an election. Vice Mayor Lopez asked if 60 days was a standard time period and Ms. Wentzel replied in the affirmative.

Letter of resignation from Pam J. Lagunas: Ms. Wentzel referred them to the letter in their packet from Ms. Lagunas, the senior center director. They are developing the job posting, which will be in the paper the next Wednesday. In the interim the staff at the center is pitching in and doing well. Mayor Valenzuela said Ms. Lagunas left for a job with BHP, correct? Ms. Wentzel said that was correct.

Letter from Superior Junior/Senior High School Requesting Donations to the Robotics Program: Ms. Wentzel referred them to the letter in their packet requesting donations for the school to participate in the statewide robotics competition.

Letter to the Tonto National Forest Service regarding the Motorized Travel Management #28967: Ms. Wentzel referred them to the letter and said this was a follow-up from their last meeting where they directed staff to write a letter. She said it went out in a timely fashion and met the March 15 deadline for comments.

Community Pride Day—Saturday, April 14, 2012: Ms. Wentzel said Community Pride day is scheduled for April 14 and updated council on the plans. Council Member Aguilar asked Sue Anderson if there was anything she wished to add and she commented on volunteers. She would email hoping they can get inmates to help. They would do the best they can. They need to spread the word to the community that if they have any way to bring the items to bring them. Council Member Aguilar asked what can be thrown and what can't. Ms. Anderson said any normal trash can be disposed of, yard waste, tires, basically anything but HazMat and construction materials. People are asked to separate and put out in front of their yard and separate the metal at Albo's for recycling. Larry Jochai at the transfer station willingly takes all the yard waste and all the tires. He has been doing this for years. Vice Mayor Lopez reminded Public Works Director Jed Lant to add this to his schedule. Mayor Valenzuela said it was not overtime. They would take their time off during the week.

Introduction of Otis Lara, Finance Clerk: Ms. Wentzel introduced new Finance Clerk Otis Lara. She said she was very pleased to have him working with them. He replaces Nicole Welty. He had been there a week and had been a great help. He learns quickly.

Additional Comments: Ms. Wentzel also commented that she had talked with Ms. Betty Gallegos regarding the property that she has made an offer on so she has been apprised of the process and knows they are following up. She is satisfied with that. Also, Ms. Jean Casias was contacted regarding the property at 957 Stone, so that is in progress. Also, they received an email regarding the interest of an individual in shooting a student film in Superior. Mayor Valenzuela said Arizona Highways is looking for businesses in town as they are interested in doing a segment in Superior. They want to come up in the next month and work with Superior and Resolution Copper and film a half hour segment on Superior. Ms. Wentzel also introduced Mr. Robert Cervantes who will be coming on board to help direct inmate workers. He will be taking one of the public works workers and focusing directly on streets, alleyways, brush, potholes and trying to get a handle on that for the town. He came on board that day and they are happy to have him available to them. The mayor said that is part of their coming into compliance with the HURF funds, to show they are managing them right and moving in the right direction and have a plan to address those issues pointed out to them in the report. Ms. Wentzel discussed her positive feelings regarding giving the scope

of work, etc., to Mr. Cervantes. He stepped right up and contacted other communities and is working with Jed Lant and they will get that done. That gives an opportunity for Mr. Lant to focus on other projects and responsibilities.

H. CALL TO THE PUBLIC

No members of the public answered the call to the public.

I. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

1. PUBLIC HEARING—CUP02011, Conditional Use Permit for porch over Town Right-of-Way; Site Plan Review; VA-20111-07, Variance Request for a Reduction in the Required Number of Parking Spaces; and VA 2011-08, Variance Request to Allow First Floor Guest Rooms in the Town Center Zoning District for Development of the Magma Hotel

MOTION: Council Member Tomerlin moved to recess the Town Council meeting and move into the Board of Adjustments. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

Mayor Valenzuela said they were now in the public hearing. Ms. Wentzel read the item on the agenda. She said this is a continuation of the Public Hearing originally scheduled for March 1, 2012. Notices were sent to all affected property owners regarding the process and meeting dates for issues related to the development of the Magma Hotel property. The Planning and Zoning Commission met on Thursday, February 16, 2012 and March 8, 2012, wherein they heard the cases and acted upon them. A copy of the February 16, 2012 meeting minutes, the staff report, the variance request application, the conditional use permit application and the site plan are included in their packets. Planning & Zoning scheduled a special meeting for Tuesday, March 13 to approve the minutes of the March 8, 2012 meeting. Those approved minutes were distributed at this meeting and they were lying on their table.

She said this is the time for the Council acting in their capacity as the Board of Adjustments to hear comments from the public regarding the above-referenced items.

She introduced Ashish Dandavate, the project architect. He said they are very excited to get the project started. Any help from the council and the Town of Superior is more than welcome. Their plans at the Historic Preservation Office of the State of Arizona have been approved. They have conditional approval of plans from the National Park Service in Washington, DC. Soon after that they should be able to start construction.

Council Member Tameron asked Ms. Wentzel to explain why they did not vote on this for the last meeting, for the audience that wasn't there, so they would understand why they waited.

Ms. Wentzel said what happened at the Planning & Zoning meeting on February 23 was that when Planning & Zoning approved the site plan, the site plan included additional parking that was recommended by the staff. The variance for the parking was approved without recommended staff stipulations to exclude additional requirements for parking. So they

didn't match and because of that, they wanted to make sure that Planning and Zoning had a consistent action that they wanted to bring forward to the Board of Adjustment. The site plan is not required to be reviewed by the Board of Adjustment; however, you do need the site plan in order to approve the variance, so they do go hand-in-hand. So when Planning and Zoning met again, they re-voted on the two issues, which were the site plan review and the variance required for parking, and they did make an approval to be consistent and agree with the recommendation by staff to stipulate 16 additional parking spaces. So the minutes the council had on the table in front of them reflect that action. The Planning and Zoning Commission was very apologetic that they had an inconsistency in their vote and wanted to express to the council that they would have resolved it had they known. That was why staff suggested they continue the hearing from the 1st to the 15th so that they knew exactly what Planning and Zoning recommended to the Board of Adjustments and so that you acting as the Board of Adjustments could make an informed and valid decision. They certainly don't want to delay construction once it gets started because of inconsistent motions.

Vice Mayor Lopez asked if the owner was aware of it and okay with the changes. Mr. Dandavate said yes.

Ms. Wentzel said she just wanted to mention they have been very cooperative. They haven't had any difficulties and have frequent conversations and work out the problems as they come up. Not that there have been any problems. They are very excited.

Council Member Tameron said he had a question that maybe the attorney could answer. Is Willdan & Associates still the engineering firm overseeing that project for them and why? Ms. Wentzel said that is correct. Willdan is still overseeing the project and that was an agreement made because they had started the project before the Town did the IGA with Pinal County and before the county started doing their plan reviews, etc. They had agreed that they will continue on the project because they had been pretty much available through the history of it and they knew the project better than anybody. That was a mutual agreement made by staff, Pinal County and Willdan.

Council Member Tameron said, "And also with the owners and the architect of this project?" Ms. Wentzel said yes. She said Richard Turner was there. He is the zoning administrator who will provide the staff reports and information.

Council Member Tameron asked if the owner and architect were okay with Willdan and the answer was in the affirmative. Mr. Tameron said the reason he had asked the question was he had been asked why the Town went to Willdan if they had an IGA with Pinal County. Ms. Wentzel said they had all talked about it and that was the mutual agreement they came to.

Mayor Valenzuela asked if there were any more comments or questions in the public hearing. Mr. Jed Lant read a statement on behalf of the Planning & Zoning Commission as a draft addendum to the P&Z minutes. (Statement is on file with the original Council Agenda and packet).

Council Member Gutierrez commented regarding parking and how they need to aggressively look for off-street parking as this is an issue that is going to come before them.

He thanked the Magma Hotel owner for coming to the community. It is a cornerstone. It is going to be welcome as it is going to bring visitors.

Mayor Valenzuela asked if there were any more questions. Council Member Tameron said he did not know who to direct this to as it was before he came on to the council, but why is it that this business has to get a variance when there are other businesses that have opened up before that didn't need a variance or come to the council for a variance.

Council Member Tomerlin said because they decided to do it right. Mr. Tameron asked who and was told the developers. Mr. Tameron asked why the town did not stop those other people from not doing it right. Ms. Wentzel said that is a very good question and she doesn't know the exact answer to that but she thinks what this council and staff is trying to do is to do the right thing and if they did something incorrectly or avoided something in the past this is the time to address it for the future. It is in the zoning ordinance. It probably should have been addressed in the past and she doesn't know why it hasn't been. They are very appreciative of Los Cedros Superior, LLC and the staff that they have cooperated with it. Although when she did speak with Mr. Dandavate she asked would they not want more parking for their patrons and he said, "Absolutely." She thought that was the thing they wanted to assist with, that the people who come to the Magma Hotel aren't turned away or diverted because they don't know where to park.

Mayor Valenzuela asked if there were any other comments from the public. There being none, he said he had a comment to address Mr. Gutierrez' concerns. As he mentioned the last time they spoke, he had done some research. In Florence they had adopted what they called the Town Core and Infill Incentive District Plan. This is to address any future businesses that want to come in where if Superior can adopt this resolution like the town of Florence. Some of the things that it does is expedites the processing of plans, waivers of municipalities fees and developments. He discussed things the plan could do in regard to parking requirements. He said this is a resolution they can adopt and to look towards future businesses to come to town so they won't have this issue of "why do we do it for them if we're not going to do it for you." This hopefully, if they can adopt it in the town of Superior, will take care of those problems in the future.

MOTION: Council Member Tomerlin moved to adjourn the public hearing and move back to business. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

2. Discuss/Approve/Reject: CUP-2011-01 Conditional Use Permit for Porch over Town Right-of-Way and Site Plan Approval for development of the Magma Hotel

MOTION: Council Member Tomerlin moved to approve CUP-2011-01 Conditional Use Permit for Porch over Town Right-of-Way and Site Plan Approval for development of the Magma Hotel as presented. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

3. Discuss/Approve/Reject: VA-2011-07, Variance Request for a Reduction in the Required Number of Parking Spaces and VA-2011-08, Variance Request to Allow First Floor Guest Rooms in the Town Center Zoning District for development of the Magma Hotel

MOTION: Council Member Tomerlin moved to approve VA-2011-07, Variance Request for a Reduction in the Required Number of Parking Spaces and VA-2011-08, Variance Request to Allow First Floor Guest Rooms in the Town Center Zoning District for development of the hotel with the stipulation that 11 additional parking spaces be added. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

MOTION: Council Member Tomerlin moved to adjourn the Board of Adjustments meeting and move back into the regular council meeting. Council Member Tameron seconded first and Vice Mayor Lopez also said she seconded. **VOTE:** The motion passed unanimously.

Mayor Valenzuela said they were now in the regular meeting. (7:58 p.m.)

4. Presentation: Ms. Susan Anderson will provide a recap of the Apache Leap Mountain Festival weekend

Ms. Wentzel said a total of 19 vendors participated in the event. Three of them did not get permits from the Town of Superior. One person wanted a refund because they were not able to participate but for the most part everyone cooperated. She thought it was a great event and appreciated all the cooperation.

Ms. Anderson thanked Jed Lant and his public works crew. They cleaned up the town and did a magnificent job. The only problem they had was trash as there were so many people. The police department was there and they were wonderful. They had no incidents of any kind.

She said the beer garden was a great success financially. There were no problems there at all. Over Friday, Saturday and Sunday they had between 2500 and 3000 people on Main Street in Superior. She has heard that is an all-time record for the mining festival.

She said they had made a lot of changes. They had one complaint from a business owner who did not want a vendor in front of the vacant lot in front of the building or an adjacent building next to this business. They did everything to comply with the mayor and council's request. They did not put any vendor in front of any open business unless they gave them permission.

She said they were very proud of the event they put on and were excited to do it again next year. They had the mining companies there. They were extremely excited to be part of this festival. She believes they will double that next year.

Council Member Gutierrez said that next year when people come for the festival and the home tour they can stay at the hotel on Main Street. There was applause.

Mayor Valenzuela commended her and her staff for a job well done. He thought also that it was a record crowd because he could not see from one end of the street to the other. It was a sea of people.

Mayor Valenzuela directed the Council to proceed with Item L on the Agenda.

J. EXECUTIVE SESSION

The Town Council may or may not vote to go into Executive Session pursuant to ARS 380-431.03 (A-1), A-3) & (A-7)

1. A-1—PERSONNEL
2. A-3—LEGAL ADVICE WITH ATTORNEY: Discussion or consultation for legal advice with attorney or attorneys of the Town regarding: erection of a sign at the Superior High School; Inadvertent records disclosure; and Correspondence from SCF Arizona regarding John Tameron
3. A-7—LEGAL ADVICE WITH ATTORNEY REGARDING SALE, LEASE OR PURCHASE OF REAL PROPERTY: Discussion or consultation for legal advice with attorney or attorneys of the Town regarding negotiations for parking with Los Cedros Superior, LLC

MOTION: Council Member Tomerlin moved to enter executive session. Council Member Tameron seconded. **VOTE:** The motion passed unanimously. Council entered executive session at 8: 09 p.m. and returned to open session at 9:01 p.m.

K. NO ITEM ON AGENDA

L. COUNCIL COMMENTS

Council Member Peralta: No comment.

Council Member Aguilar: Commended Sue Anderson and all of the Chamber for such a good job. Regarding the beer garden, the beer was good. He welcomed the Magma Hotel people to Superior and knew only good things can happen. They were all excited. They were kids in a candy store.

Council Member Gutierrez: Echoed that. He wanted to thank the Chamber for an outstanding event. He knew it was a lot of work. There were a lot of people out there. He didn't think a lot of people saw the before or the after. Everyone gets excited but it is always about the recovery, picking up the mess. It was pretty outstanding and he knew there were things on the radar for next year. He wanted to thank Mr. Tameron for being a sponsor on the ice. It was nice and again he wanted to thank Ms. Anderson and the project team.

Council Member Tomerlin: No comment.

Council Member Tameron: Apologized to the Chamber. He said he was going to help. He tried. Things came up but they did a wonderful job, great job.

Vice Mayor Lopez: Welcomed Mr. Ashish Dandavate to the community. They are looking forward to when people come for Christmas. It is kind of exciting. Whenever people come for a festival they are looking for a place to stay or a family reunion, they want to come for the week or a weekend. They definitely encourage visitors to come by. She wanted to thank Leslie Martin

and the Chamber also. The festival went well and she knows they probably have some issues they have to look at but overall it was very successful and they did not have any issues at the beer garden and neither did the Optimists at their horseshoes. She thought it all went very well and it was a good weekend for the town of Superior. She congratulated Jed Lant for the completion of his program.

Mayor Valenzuela: Thanked the Chamber and everyone who worked with the Chamber in putting on this event. He also would like to thank the town staff from fire to the police, to public works, to administration for working with the Chamber and working out the kinks and getting everything going but now as they move forward they are in place for the future. He welcomed the Magma Hotel to the community. They all looked forward to it. He is surprised there is not a bigger crowd because two weeks ago it was packed. They felt they wanted to have them there to make their statements and be heard.

M. FUTURE AGENDA ITEMS

1. Open Meeting Law Refresher for Town Council and Appointed Commissioners

Ms. Wentzel said this was a new item suggested for the agenda by Town Attorney Chris Wencker. The session on the open meeting law could be schedule for a Saturday.

N. ADJOURNMENT

MOTION: Council Member Tomerlin moved to adjourn. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously. Mayor Valenzuela adjourned the meeting at 9:02 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 15th day of March, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Rita M. Wentzel, Interim Town Clerk

These minutes were compiled and transcribed by Cindy Tracy, an independent contractor. Final editing of these minutes and their content is completed and verified by Town of Superior staff members.